25

P 25

Previous references.

Pol 95-of-05-(6-26)

1913.4

(Pol)

Later references.

File No. 44-13

Serial Nos. 1-4

Preserved
Mr. Lee Warner
for
16/11/13

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4.

Part B. for Oct 13

SUBJECT.

Delivery to the Bangalore City Police Supt. of certain money orders in the Madras Post Office for purposes of investigation of a certain criminal case against one Krishna Deva Naik.

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1. From The D.M. Bangalore, S 166 Dy 18.8.13
Forwards for orders copies of correspondence in the matter.

2. To The Dn. Bangalore J. 683 Dy 25/8/13
Enquires what necessity for getting the M.O. & the evidence collected here is not sufficient for the full investigation

3. From The Dn. Bangalore. S 283 Dy 13/9/1913
States that the M.O. are necessary to fix the exact extent of swindling perpetrated.

G. R. S. 58

P.T.O.

M. Thomas
18.8.14

To The D. M. Bangalore f 1209 dt 18/10/1913
states that the case is not strong
enough to move the Hon'ble Resident for his
very exceptional measure in point

G.R.S. 11] 1913-14

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 44-13

FILE HEADING.

Delivery to the Bangalore City Police Inspector of certain money orders, &c in the Madras Post Office, for purposes of investigation of a certain criminal case against one Krishna Deva Naik.

From

The Dt. Magte, Bangalore.

No. S 166 Dated 18.8.13 Received 21.8.13

Diary No. J640	Enclos. 6	Spare Copies. ..	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for orders copies of correspondence on the matter.

NOTES AND ORDERS.

In connection with the investigation of a certain criminal case against one Krishna Deva Naik by the Bangalore City Police, the Dt. Magte, Bangalore, requested, under section 95 of the Criminal Procedure Code, the Post-

NOTES—First Sheet.

GPB—30,000—12-8-11

G. R. S. 12]

General and Revenue Secretariat. | Police File No. 44 of 1913-14

Serial No.

Master General, Madras, to direct the postal authorities at Bangalore and Madras to deliver to the Bangalore City Police Inspector certain money order letters, &c addressed to Krishna Deva Nair. The Post Master General issued instructions accordingly and requested the Chief Presidency Magt, Madras, to issue necessary orders to the postal authorities in Madras as, in that place, that officer alone is competent to order delivery of such articles. That officer in his reply states that he cannot order delivery of the articles to the Bangalore City Police as the investigation in question is one under the Mysore Criminal Procedure Code & not under the British Indian Enactment. The Post Master General has therefore requested the Dt. Magt., Bangalore Dt., to take steps to move the Honble the Resident to issue necessary orders immediately. The Dt. Magt. has called for correspondence for orders.

2) It is doubtful whether the Resident can issue necessary orders in the matter.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

Serial No.

769

3) Section 26 of the Indian Post Office Act contemplates the issue of such orders under special circumstances by officers specially authorised in this behalf. It is doubtful whether the case in question can be said to fall under that section and it is not known whether the Resident has been authorised thereunder.

769

4) As the Mysore Police & the Madras Police can licise direct correspondence in routine matters it is matter for consideration whether the Mysore Police may not, through the Madras Police move the Ch. Presidency Magte to issue the necessary order.

As the Hon'ble Secy left Ch. & the Govt. & the Secy -

5) Subd. for orders.

BS 21-8-13 NM

NM 27/8 Returned by the Secy to be subd thro the Hon'ble Secy BS 22-8-13

6) Resubd. with a draft as per personal instructions.

BS 22-8-13 NM

Dr Secy

SPM 22/8

7) The District Magistrate's letter is too brief considering the importance of the subject. We cannot ask the Govt. to move the Govt. of Madras in the matter in the absence of very special reasons & emergency. Hence the draft-

NOTE—Contn. sheet.

640

4

C. R. S. 12]

General and Revenue Secretariat.

Police File No. 44 of 1913-14

Serial No.	
	to proceed.
	2nd cancelled) Draft approved by the Advocate-General 23/8/13
	8) 826(54) 23/8 Draft appd by the Hr. Councillor 23/8 Draft issued.
	9) Issue Sd/- 25/8
2	To The Dt. Magte. Bangalore Dt. no. J683 D/25.8.13 Enquires what necessity there is for getting the money order &c. from the Madras Post Office & whether the evidence that may be collected here will not be sufficient for the full investigation of the case & requests that, if they are still considered necessary, the provision of the law or rule under which their retention & delivery can be claimed may be pointed out.
3	From The Dy. Comr. Bangalore. no. S 283 D/13.9.13 States that the money orders, &c referred to are necessary to fix the exact extent of swindling perpetrated by the accused; that the investigating officer is obliged to collect this information & place it before the court in order to enable

NOTE—Contn. sheet.

GPB—65,000—17-6-12

R. S. 12]

General and Revenue Secretariat. | Police File No. 44 of 1913-14

Serial No.

the Collr to determine the quantum of punishment to be awarded to the accused in case the offence is brought home to him; and that the documents in question may also reveal the (other) offences the accused may be guilty of; and ~~[illegible]~~ solicits instructions not only in this particular case but also generally in cases of such nature.

(2) Subd. for orders.

B.G. (49)17-9-13

Post Office Act.. SAL 18/9

subd Action taken 71 9

(1) The Dr. magte has rightly decided the legal authority empowering such request to be made for the delivery of postal articles.

(2) The only provn that appears to enable such a request being made is Sec. 26 of the Post Office Act. Under this section, the Governor in Council can, under certain circumstances order the detention of postal articles he will have to request the Govt. of Madras to move the Govt. of India to exercise the powers vested under this section.

X 1500 · debited 8 Rly 1913

(3) The other point for consideration is

NOTE—Contn. sheet.

R.-S. 12]

General and Revenue Secretariat.

Pol

File No. 44 of 1913

Serial No.

whether the circumstances of the case are sufficiently serious to necessitate this step. It is understood that the man is already being prosecuted for certain offences + it is now proposed to prosecute him for having opened a lottery illegally. He seems to have had his head office in Bangalore + all the correspondence etc relating thereto hence been placed ~~before~~ at the disposal of the Chief Inspector of Police, by the Post master General. It is only with reference to the letter etc addressed to the Hon. Council, Showing Madras that this request has to be preferred. It is a point for orders whether in these circumstances, it is necessary to move the Resd at all

14) Dr Seal

SPR 20/9

For the vindication of justice the existing materials seem to be adequate for all practical purposes and in my humble opinion, the case is not strong enough to move the Resident for the very exceptional measure in point.

2nd Counsellor 15) I agree.

Drew 23/9 S/PR

Drew 25/9

16) Draft Drew 27/9

SPR 27/9

NOTE—Contn. sheet.

GPB—65,000—17-6-12

942

General and Revenue Secretariat.

Police File No. 44 of 191 3-14

Serial No.

17) Draft subd. Attention is respectfully invited to para 3 of the letter under disposal wherein the Dy. Insptr solicits general instructions regarding the ~~procedure~~ course to be adopted in such cases

B.4. 69)27.9.13. 700

B 29/10

Dy Lgr) SDM 30/9

18 Approved with slight revision

Dmg 2/10

19 Issue

SDM 2/10

4. To The Dy. Insptr. Bangalore Dt: no. T/2069/18.10.13

States that the materials available here seem to be adequate for the vindication of justice & that the case is not strong enough to move the Honble the Resident for the very exceptional measure in point.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

111

25/8/13

From Police 1913-14

Sub Divisional Magistrate
Bangalore Dt.

To

The Secy to the
Govt of Mysore,
Gen & Rev Depts

Dated Bangalore

Despatched 18/8/13.

Received

General No. S. 166

No.

Enclosure No. 6 copies letters

Submits, for orders, copies of correspondence in the matter of the investigation of the case against Mr Krishna Deva Naik of the Bagur National United Club, Basavanagudi.

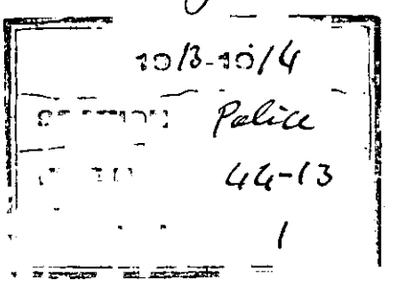
Office of the District Magistrate

Bangalore District.

Dated Bangalore, 18th August 1913.

No.-------

DIARY No. J 640



From

K.Chandy Esq., B.A.,

District Magistrate,

Bangalore District.

To

K.R.Sreenivasa Iyengar Esq.,M.A.,

Secretary to the Government of H.H.

the Maharaja of Mysore, Genl and Rev.Deptts.

Sir,

I have the honor to state that for the purpose of investigation of the case against Krishna DevaNaik, the Postmaster General, Madras, was addressed in my letter No. 579 dated 2nd August 1913, to detain and deliver to the Chief Inspector of Police, Bangalore City, under section 95 of the Criminal Procedure Code,all money orders and correspondence etc.addressed to the said Krishnadeva Naik and ~~the~~ to the Secretary, Free Medical Council, Shouley, Madras, from him stated that instructions have been issued to the Postmaster, Bangalore, to hand over to the said -- Police Inspector, all such articles and money orders that are with him undelivered and that they may be received in the future, and that the Presidency Post-master had been requested to do so pending receipt of the necessary orders from the Presidency Magistrate, Egmore.

The Post-Master General, Madras, has since written in his letter No.225 dated the 12th instant, that the Hon'ble the British Resident in Mysore, may be moved to issue immediately necessary orders for the detention and delivery of articles to the said Police Inspector.

The Post-master General has enclosed a copy of Tepephone message from the Chief Presidency Magistrate stating that, he does not think, that he can authorize the delivery of the re-

records in question to the said Police Inspector for the purpose of investigation under the Mysore Criminal Procedure Code. I have enclosed copies of entire correspondence in the matter for orders.

I have the honor to be

Sir,

Your most obedient servant.

K. Chandy

District Magistrate,
Bangalore District.

L.S.R.
1.

Encl 6 Pol 44-13-7 3

Copy of letter no. J. 2225, of the 12th inst. from the Post-master General, Madras Circle, to the District Magistrate, Bangalore District.

In Continuation of this office letter no. J. J. 225, of the 3/4th August 1913, I have the honor to enclose a copy of the telephone message, dated the 8th inst. from the Chief Presidency Magistrate, Egmore and to request that you will be so good as to move the Hon'ble the Resident in Mysore State to issue immediately necessary orders for the detention & delivery of the articles to the Chief Inspector of Police.

(Signed)

for. Deputy Post-master General

"Copy"

K Chandy

District Magistrate,
Bangalore District.

Copy of Telephone Message dated the 8th instant from the Ag. Chief Presidency Magistrate, Egmore, to the Postmaster General, Madras.

Reference to your letter No. I. F. 225 of yesterday.

(Please see your letter I. F. 225 of yesterday, section 95 of Criminal Procedure Code Act V of 1898, authorises me to issue order in Cases of investigation, enquiry, etc., under that Code only. The records in question are required in Connection with the investigation under the Mysore Criminal Procedure Code and I do not think that I can authorize the delivery of the records in question to the

5

The Police Inspector, Bangalore City

(Initialled)

"Copy"

K. Chandy

District Magistrate,
Bangalore District.

No. 46.

R E P O R T.

In connection of my report No.25 dated 14th July 1913 re the National United Club, Basavapur, Bangalore City, of which M.Krishnadeva Naik called himself the Honorary Secretary, I beg to state that the District Superintendent of Police, may be pleased to request the District Magistrate to make the Post-Master General, Madras, to detain and forward here all money orders, correspondence etc. addressed to the Honorary Secretary, National United Club, Basavapur, Bangalore City, or to the Free Medical Council, Shoolay, Madras, to whom the good-will of the National United Club, is said to have been transferred. These money orders and correspondence are necessary for purposes of investigation into the case of the opening of a Lottery House without the sanction of Government, by by M.Krishna Deva Naik for the purpose of drawing a -- lottery in June 1913. The facts are fully set forth in the report referred to above.

Sd/-C.Krishna Rao,

Chief Inspector of Police
Bangalore City.

"C O P Y"

District Magistrate,
Bangalore District.

7

Letter No.20/S.B.dated 29th July 1913, from the Superintendent of Police, Bangalore District, to the District Magistrate, Bangalore.

In continuation of my letter No.19/S.B.dated 26th instant, re the bogus Association called the National United Club, I have the honor to forward for perusal copy of City Chief Inspector's report No.46 dated 25th instant, and to request you to be so good as to address the Post Master - General, Madras, with a view to his issuing needful instructions to the officers under his control, to detain and forward to the Chief Inspector, all Money orders, correspondence etc.,addressed to the Honorary Secretary, National United Club, Basavapur, who is no other than M.Mrishnadeva Naik, and against whom proceedings have to be instituted under section 294 I.P.C.

"C O P Y"

K Chandy

District Magistrate,
Bangalore District.

Copy of letter No. R 579 (Enc. 1),
d 2nd August 1913 from the District
Magistrate, Bangalore District to
the Post-Master General, Madras.

I have the honour to forward
herewith for information Copy of
letter No. 20/S.B, d The 29th ultimo, and
its enclosure from the Superintendent
of Police, Bangalore District and to
state that, as proceedings will have
to be taken against M. Krishnadas
Naik referred to therein, under Section
294 A. of the Indian Penal Code,
for having opened a lottery house
without the sanction of Government,
I request that under Section 95(1) of
the Criminal Procedure Code, you

7

You will kindly direct the subordinate Post office officials to obtain and forward to the Chief Inspector of Police, Bangalore City, for the purposes of investigation, all money orders, Correspondence, etc., addressed to the Honorary Secretary of the bogus National United Club, Basavanagudi Bangalore City and to the Presidency Council, Shorlay, Madras, to which the post bill of the above bogus Club is said to have been transferred.

(Signed) K Chandy
District Magistrate,
Bangalore District.

"Copy"

K Chandy

District Magistrate,
Bangalore District.

Letter from the Post-Master General, Madras Circle to the District Magistrate, Bangalore District

No. J.F. 225 & Madras, 4th Aug. 13.

In acknowledging receipt of your letter no. R 579 of the 2nd Aug. 13, I have the honor to say that the Post-Master, Bangalore has this day been requested to hand over to the Chief Inspector of Police, Bangalore, all such articles & money-orders as are now lying there undelivered and as may be received in the future. The Principal Post-Master, Madras, has been requested also to detain the articles received to the address of

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of the persons mentioned; pending receipt of the necessary orders from the Chief Presidency Magistrate, Egmn. The latter officer has been furnished with a Copy of your letter and requested to issue orders for their detention and delivery to the Chief Inspector

"Copy"

K Meaudy

District Magistrate,
Bangalore District.

DPL

12

Re the delivery of Police
certain money orders
in the Madras Post
Office to the Bangalore
police.

File No. 44-13

Serial No. 2

G.R.S. 26] 2518

640

*Diary No. of letter replied to*_____

No. J 683

General and Revenue Secretariat

( )

, the *19* .

To

The Dt. Magte., Bangalore Dt.

Date of issue 25/8/13

Signed by W. S. P. Rajagopalachar

His letter no. S-166 dated the 18th August 1913 requesting the delivery to the Bangalore City police of certain money-orders, letters, &c. in the Madras Post Office for purposes of the investigation of a criminal case against one Krishna Deva Naik.

With reference to the

over.

SUBJECT.

13

above has the honor to enquire what necessity there is for getting the money-orders &c from the Madras Post Office & whether the evidence that may be collected here will not be sufficient for the full investigation of the case.

2. If they are shd considered to be necessary, the provisions of law or rule under which their retention & delivery can be claimed should be pointed out.

Dwer
23/8

By Order

for Secretary,

B.G.
12.8.13.

List of enclosures,

Copied by

Examined by

Office of the Deputy Commissioner,

Bangalore District,

dated Bangalore, 13th September 1913.

14

Dl. J No J942

From,

K. Chandy Esq., B.A,

Deputy Commissioner, Bangalore District.

1913 - 14

Police

No. 44-13

3

To,

K.R.Sreenivasa Iyengar Esq., M.A,

Secretary to the Government of Mysore,

General and Revenue Departements.

Sir;

With reference to your docket No. J.683 /pol.44-13-2 dated 25th August 1913, calling for some particulars regarding the investigation of cases against M.Krishnadeva Naik, I have the honor to state that the money orders etc., referred to therein are necessary, in so far as they are required to fix the exact extent of swindling perpetrated by the accused M.Krishnadeva Naik. This information, the investigating Officer is compelled by law to collect for the information of the court to enable the latter to take all the available facts into consideration in determining the quontum of punishment to be awarded to the accused, in case the offence is brought home to him.

2. The documents now in the custody of the Madras Post -- Office, may also reveal the ~~facts~~ offences the accused may be guilty of, and the Police will then be able to present an exaustive charge sheet before the tribunal. They relate to the National United Club, Basavapur, Bangalore, the good-will of which is said to-be- have been transferred to a firm called " The Free - Medical Council " in Shoolay.

3. Hence I not only solicit instructions of Government in this particular instance, but also generally in cases of this nature, when documents in the custody of the Post Office outside Mysore State, are required for purposes of investigation, as my powers appears to be restricted within the State under Section 95 C. P.C. to secure the production of such correspondence.

I have the honor to be ,

Sir,

your most obedient servant,

for Deputy Commissioner.

Assistant Commissioner absent from station

Re the delivery of certain letters & money orders in the Madras Post Office to the Mysore police. 15

G. R. S. 26] 2/C

File No. 44-13

Serial No. 4

Diary No. of letter replied to

No. J 1209

General and Revenue Secretariat

( )

, *the* 191 .

To

The DC. Market Bangalore DC

Sir,

Date of issue 18·10·13

Signed by M V S P Rajagopala Char

With reference to the correspondence ending with your letter no. F 283 dated the 13th September 1913 regarding the detention & delivery to the Mysore police of certain letters, money orders, &c in the Madras Post Office for purposes of the investigation of a criminal case against one M. Krishnadeva Naik, I

over.

SUBJECT.

16

am directed to state that Govt consider that the ~~evidence~~ materials available here seem to be adequate ~~seems to be collected here is adequate~~ for the vindication of justice and that ~~that therefore there is no~~ the case is not strong necessity to obtain the letters, money orders &c from the Madras Post Office enough to move the Hon'ble the Resᵗ for the very exceptional measure in point.

I have &c

Dᵘᵗᵛ 2/10

For Secretary.

F.T. 27.9.13.

List of enclosures,

Copied by

Examined by

GPB—25,000—8-8-11.

From The District Magistrate, Ban. District.

To The Secretary to the Government of Mysore Gen. & Rev. Depts.

Dated Bangalore

Despatched 5 Sept. 1913

Received 13

General No. S. 283.

No.

Enclosure No. Nil

State particulars re the extent of Swindling by one Krishnadevaraik can be ascertained if the M.O. etc refd to are delivered to the Chief Inspector. B-ore.